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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
GUY LUMIA, ET AL. : EXAMINER: CARRILLO, B.
SERIAL NO: 10/089,162 :
FILED: MARCH 27, 2002 : GROUP ART UNIT: 1746
FOR: PROCESS FOR TREATMENT AND :
EXTRACTION OF ORGANIC CORK
COMPOUNDS BY A DENSE FLUID
UNDER PRESSURE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment of December 8, 2003, Applicants hereby request withdrawal of the Holding of Abandonment for the reasons as follow:

An Office Action was mailed in the above-identified application on April 21, 2003. Applicants filed an Amendment and Request for Reconsideration responsive to the Office Action on October 20, 2003. A Request for Extension of Time (three months), an Information Disclosure Statement, a form PTO-1449 and one cited reference were included with the filing of October 20, 2003. Copies of all papers as filed and a copy of the date-stamped filing receipt evidencing the timely submission thereof on October 20, 2003 are attached.

The Notice of Abandonment of December 8, 2003 indicates that the reason for abandonment is Applicants' failure to timely file a proper response to the Office Action of

Application No. 10/089,162

Reply to the Notice of Abandonment of December 8, 2003

April 21, 2003. As evidenced by the attached copies, Applicants timely filed a response to the Office Action of April 21, 2003 on October 20, 2003. Applicants submit that the Notice of Abandonment was incorrectly issued in view of Applicants' filing of October 20, 2003.


During a discussion with Examiner Randy Gulakowski on December 11, 2003, it was indicated that the check submitted with the filing of October 20, 2003, had been received and credited. Therefore, receipt of the filing of October 20, 2003, is evidenced by the record of Applicant's payment.

Applicants respectfully request the withdrawal of the Holding of Abandonment and return of the case to the Examiner for consideration of Applicants' filing of October 20, 2003.

For the reasons provided above, this Petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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